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Jews as German Citizens. The Prussian Emancipation Edict of 1812 and Beyond

BY ANDREAS BRÄMER AND GIDEON REUVENI

This section of the Year Book emerged out of an international conference that took place in Jerusalem in March 2013, on the occasion of the 200th (or rather the 201st) anniversary of the Prussian Emancipation Edict of 1812. The so-called *Judenedikt* comprised a milestone in the long and thorny path of Jews to full legal equality in Germany. To be sure, in contrast to the French Revolution, the Edict did not represent a radical change in the legal status of Jews. Prussian Jews were not granted a full or equal civil status, and many of the rights that were granted were ultimately revoked soon after the Vienna Congress of 1815. Nevertheless, beyond its immediate effect on Jews living in German lands, the Edict generated vigorous debates over the fundamental principles of citizenship, the concept of civil society, and the status of minorities within society and the state, all of which were also discussed in the 200th anniversary conference that was organized by the Leo Baeck Institute Jerusalem, in cooperation with academic partners in Israel and abroad: the Hebrew University, Tel Aviv University, the Israeli branch of the Adenauer Foundation, the Centre for German-Jewish Studies at the University of Sussex, and the *Institut für die Geschichte der deutschen Juden in Hamburg*.¹

The Edict was invoked at more dramatic junctures of German-Jewish history, for example on the eve of the First World War, and under the shadow of the rise of National Socialism to power. During the first decades after the Shoah there were no further attempts to commemorate the Edict, either in Germany or elsewhere. At the opening ceremony of the Leo Baeck Institute in 1955, Ernst Simon depicted the aim of the newly founded initiative indicating that “German Jewry is like a deceased person who has neither been buried nor mourned. It has fallen to us to discharge this duty.”² In the years after the war German-Jewish scholars saw themselves as a ‘memorial community’ committed to the preservation of what they saw as the German-Jewish legacy. Their *Erinnerungsarbeit* was based on the premise

¹ *Citizenship, Equality and Civil Society* – The 200th Anniversary of the Prussian Emancipation Edict for the Jews 1812; see the conference report written by Jan Kühne: <http://hsozkult.geschichte.hu-berlin.de/tagungsberichte/id=5026&count=4827&recno=1&sort=datum&order=down> (accessed 30 June, 2014).

² Quote taken from Guy Miron, ‘From Memorial Community to Research Center: The Leo Baeck Institute in Jerusalem’, in Christhard Hoffmann, *Preserving the Legacy of German Jewry: A History of the Leo Baeck Institute, 1955–2005*, Tübingen 2005, p. 101.

that German-Jewish History came to its end in 1941, if not earlier. In this context the Edict that, until 1933 was celebrated as a key moment in the history of Jewish emancipation in Germany, utterly lost its significance.

In the first decades after the Second World War in both Germanies there was not much interest in, let alone qualified scholars, studying Prussian policy towards the Jews. It was only in the 1960s and 1970s, when academic institutions dedicated to the study of the German-Jewish past were founded in West Germany, that such topics regained interest. The *Institut für die Geschichte der deutschen Juden* that was opened in Hamburg in 1966 is a prominent example of this development. Many of these places would not have been able to flourish without the support of returning Jewish scholars. It was during these years that a new generation of younger non-Jewish scholars turned their attention to Jewish history. In the course of time these historians, among them Monika Richarz, Reinhard Rürup, Arno Herzig, the late Stefi Jersch-Wenzel, and others, developed close ties with all three Leo Baeck institutes which were instrumental in building up a new infrastructure of German-Jewish scholarship. Their work inspired other institutions to create new centres for the study of the German-Jewish past, such as the Centre for German-Jewish History at the University of Sussex. These institutions created new research opportunities for young historians establishing an international framework for German-Jewish studies as represented in the conference on which this section is based.

The programme of lectures of the symposium reflected the development and progress of Jewish historiography in recent years. Using original interdisciplinary approaches, speakers succeeded in reaching beyond the standard works on the emancipation process by embedding Prussian-Jewish history in the wider context of the German past, as well as by contextualizing it in its connection to other Jewish life-worlds.³ In its attempt to forge a bridge between Germany and Israel, to contrast and compare the Jewish experience then and now, the symposium demonstrated how significant and relevant the German-Jewish past is for our understanding of important contemporary issues.

The three essays presented in this section pick up different threads connected to the theme of Jewish emancipation and citizenship. Making use of new sources and focussing on the Eastern Provinces of the Prussian monarchy, Michal Szulc explores Jewish responses to the Emancipation Edict. In his article he examines

³ See for example Ismar Freund, *Die Emanzipation der Juden in Preußen unter besonderer Berücksichtigung des Gesetzes vom 11. März 1812. Ein Beitrag zur Rechtsgeschichte der Juden in Preußen*, 2 vols., Berlin 1912; Jacob Toury, *Soziale und politische Geschichte der Juden in Deutschland 1847-1871. Zwischen Revolution, Reaktion und Emanzipation*, Düsseldorf 1977; Annegret H. Brammer, 'Judenpolitik und Judengesetzgebung in Preußen 1812 bis 1847, mit einem Ausblick auf das Gleichberechtigungsgesetz des Norddeutschen Bundes von 1869' (doctoral dissertation Berlin 1987); still indispensable are Reinhard Rürup's contributions, among them 'Judenemanzipation und bürgerliche Gesellschaft in Deutschland', in idem, *Emanzipation und Antisemitismus. Studien zur 'Judenfrage' der bürgerlichen Gesellschaft*, Frankfurt am Main 1987, pp. 13-45; and 'The European Revolutions of 1848 and Jewish Emancipation', in Werner E. Mosse, Arnold Paucker, Reinhard Rürup (eds.), *Revolution and Evolution: 1848 in German-Jewish History*, Tübingen 1981, pp. 1-53.

various strata of the Jewish population, seeing Jews as active agents in the implementation process and in shaping the outcome of the Prussian emancipation policy. In contrast to other scholars he is able to show that many Jews were initially hesitant to welcome the new regulations as an improvement of their legal situation, but rather saw the edict as a legislative act whose importance outside a strictly economic context was negligible.

Looking at how economic views affect concepts of citizenship, Gideon Reuveni in his contribution offers a new reading of Mendelssohn's reproach of Dohm's ideas of Jewish 'amelioration'. He argues that Mendelssohn's fundamental rejection of what eventually became a prevailing distinction in modern times between productive and non-productive labour was not only based on his positive view of commerce, but was also grounded in his thinking about the reciprocity between politics and the marketplace. Unlike the philosophers of the mercantile age, who commended commerce primarily as an agent of civilization, Mendelssohn accentuated the positive correlation between economic expansion and civic freedom. In so doing he developed a concept of belonging akin to more modern ideas of 'marketplace citizenship', calling for "freedom and equality of rights amongst all buyers and sellers".⁴ Reuveni suggests that this belief in the intrinsic connection between economic freedom and political rights dominated the Jewish notion of citizenship at least until the rise of National Socialism.

Miriam Rürup further explores ideas of Jewish belonging. In her essay she provides a close examination of the notion of citizenship as it is expressed in the Israeli Law of Return (1950). Analysing the Israeli law in the context of the historic experience of statelessness, Rürup argues that the Law of Return changed the concept of Jewish belonging, and that this was fundamentally influenced by the traumatic experience of statelessness. In the pre-state period we find concepts of belonging which were defined in non-territorial terms and based on the idea of living in the diaspora combined with a traditional utopian notion of 'Zion'. After 1948 such concepts transformed into a trans-territorial idea of 'Israeli citizenship' based on an idea of supranational identity, which was territorially grounded in the Zionist and ethnically defined nation state in Eretz Israel.

Taking together the cumulative effect of the three essays presented in this section reinforces the argument of the impressive multiplicity of meanings embedded in Prussian Emancipation Edict of 1812. By divulging the multifaceted dominations of the *Judenediket*, we hope that this publication will encourage scholars to further explore one of the constitutive events of modern Jewish experience.

⁴ Moses Mendelssohn, *Manasseh Ben Israel. Rettung der Juden. Nebst einer Vorrede von Moses Mendelssohn*, Berlin, 1782, p. 38.